

# PATENT COOPERATION TREATY

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From the INTERNATIONAL SEARCHING AUTHORITY

## PCT

To:

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Eingegangen / Received

06. März 2006

MÜLLER · FOTTNER · STEINECKE

Frist: 01.01.2006

INVITATION TO PAY ADDITIONAL FEES

(PCT Article 17(3)(a) and Rule 40.1)

Applicant's or agent's file reference <i>Add. Search fee not to put</i> MU03A03/P-WO	Date of mailing (day/month/year) 01/03/2006
International application No. PCT/EP2004/013854	International filing date (day/month/year) 06/12/2004
Applicant  MULTIMUNE GMBH	

1. This International Searching Authority

- (i) considers that there are 2 (number of) inventions claimed in the international application covered by the claims indicated ~~below~~ on the extra sheet:

and it considers that the international application does not comply with the requirements of unity of invention (Rules 13.1, 13.2 and 13.3) for the reasons indicated ~~below~~ on the extra sheet:

- (ii) ☒ has carried out a partial international search (see Annex) ☐ will establish the international search report on those parts of the international application which relate to the invention first mentioned in claims Nos.:

see annex

- (iii) will establish the international search report on the other parts of the international application only if, and to the extent to which, additional fees are paid


2. The applicant is hereby invited, within the time limit indicated above, to pay the amount indicated below:

EUR 1.550,00 x 1 = EUR 1.550  
 Fee per additional invention      number of additional inventions      total amount of additional fees

Or, \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_

The applicant is informed that, according to Rule 40.2(c), the payment of any additional fee may be made under protest, i.e., a reasoned statement to the effect that the international application complies with the requirement of unity of invention or that the amount of the required additional fee is excessive.

3. ☒ Claim(s) Nos. further info have been found to be unsearchable under Article 17(2)(b) because of defects under Article 17(2)(a) and therefore have not been included with any invention.

Name and mailing address of the International Searching Authority  European Patent Office, P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016	Authorized officer  Marilú Masserut
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This International Searching Authority found multiple (groups of) inventions in this international application, as follows:

1. claims: 1-35

an antibody or related molecules that bind to an extracellular localized epitope of Hsp70 on tumour cells, a method to prepare said antibody, and the diagnostic and therapeutic use of said antibody.

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2. claims: 36-39

a method for preparing monoclonal antibodies or binding fragments thereof from a sample comprising an immunoglobulin of interest.

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The technical problems to be solved by the present application are to provide an alternative antibody that binds to Hsp70, and to provide an alternative method to purify a monoclonal antibody.

The proposed solutions are:

I: Claims 1-35: an antibody or related molecules that bind to an extracellular localized epitope of Hsp70 on tumour cells, a method to prepare said antibody, and the diagnostic and therapeutic use of said antibody.

II: Claims 36-39: a method for preparing monoclonal antibodies or binding fragments thereof from a sample comprising an immunoglobulin of interest.

The single general concept which can be identified as linking the different inventions is an antibody. Since antibodies are already known for a long time, the common concept is not novel. The different entities do not have another special technical feature in common. Hence, the groups of claims are not so linked as to form a single general inventive concept and define two different inventions. Therefore, the application does not meet the requirements of unity of invention as defined in Rules 13.1 and 13.2 PCT and the applicant is invited to pay an additional fee for the second invention.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 206

Continuation of Box 3.

Although claims 29-35 are directed to a method of treatment and/or a diagnostic method practised on the human/animal body, the search has been carried out and based on the alleged effects of the compound/composition.

**Annex to Form PCT/ISA/206  
COMMUNICATION RELATING TO THE RESULTS  
OF THE PARTIAL INTERNATIONAL SEARCH**

International Application No  
**PCT/EP2004/013854**

1. The present communication is an Annex to the invitation to pay additional fees (Form PCT/ISA/206). It shows the results of the international search established on the parts of the international application which relate to the invention first mentioned in claims Nos.:  
see 'Invitation to pay additional fees'
2. This communication is not the international search report which will be established according to Article 18 and Rule 43.
3. If the applicant does not pay any additional search fees, the information appearing in this communication will be considered as the result of the international search and will be included as such in the international search report.
4. If the applicant pays additional fees, the international search report will contain both the information appearing in this communication and the results of the international search on other parts of the international application for which such fees will have been paid.

**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 02/22656 A (MULTHOFF, GABRIELE) 21 March 2002 (2002-03-21) example 1 -----	1-35
X	BOTZLER C ET AL: "Definition of extracellular localized epitopes of Hsp70 involved in an NK immune response" CELL STRESS AND CHAPERONES, EDINBURGH, GB, vol. 3, no. 1, March 1998 (1998-03), pages 6-11, XP002118461 ISSN: 1355-8145 the whole document -----	1-35
X	WO 03/086383 A (MULTHOFF, GABRIELE) 23 October 2003 (2003-10-23) figures 4,5; example 5 -----	1-35
X	MULTHOFF G ET AL: "CD3- large granular lymphocytes recognize a heat-inducible immunogenic determinant associated with the 72-kD heat shock protein on human sarcoma cells" BLOOD, W.B. SAUNDERS, PHILADELPHIA, VA, US, vol. 86, no. 4, 15 August 1995 (1995-08-15), pages 1374-1382, XP002090860 ISSN: 0006-4971 the whole document -----	1-35
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☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

\* Special categories of cited documents :

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"G" document member of the same patent family

Annex to Form PCT/ISA/206  
COMMUNICATION RELATING TO THE RESULTS  
OF THE PARTIAL INTERNATIONAL SEARCH

International Application No  
PCT/EP2004/013854

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT		
Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WEI YU-QUAN ET AL: "Induction of autologous tumor killing by heat treatment of fresh human tumor cells: Involvement of gamma-delta T cells and heat shock protein 70" CANCER RESEARCH, vol. 56, no. 5, 1996, pages 1104-1110, XP002365363 ISSN: 0008-5472 abstract; examples 2-4,7 -----	1-35
L	WO 2005/054868 A (MULTIMUNE GMBH; MULTHOFF, GABRIELE) 16 June 2005 (2005-06-16) L: double patenting the whole document -----	

# Patent Family Annex

Information on patent family members

International Application No

PCT/EP2004/013854

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
WO 0222656	A	21-03-2002	AU 1223602 A US 2004063173 A1	26-03-2002 01-04-2004
WO 03086383	A	23-10-2003	AU 2003227610 A1	27-10-2003
WO 2005054868	A	16-06-2005	NONE	